



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FELTON MATTHEWS,

Plaintiff,

vs.

A. ENDEL, *et al.*,

Defendants.

3 06-CV-0401-RLH (VPC)

ORDER

In this civil rights action, brought *pro se* by prisoner Felton Matthews, the plaintiff has filed a "Motion to Recuse Magistrate V.P. Cook" [sic] (#138), requesting that the undersigned United States Magistrate Judge recuse herself from the case. Plaintiff points to prior rulings in this case as the basis for the request for recusal.

Recusal is governed by 28 U.S.C. §§ 144 and 455. Under section 144, a party seeking recusal must set forth, in an affidavit, facts and reasons for the belief that bias or prejudice exists. *See* 28 U.S.C. § 144. The standard for recusal under sections 144 and 455 is "whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned." *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986). The alleged prejudice must result from an extrajudicial source; a judge's prior adverse ruling is not sufficient cause for

